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CLERK US DISTRICT COURT
DISTRICT OF NEVADA
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Attorneys for Plaintiff,
AMA Multimedia, LLC

2:15-ms-00005

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

In re AMA Multimedia, LLC: Identification of John Does 1-256 Pursuant to the Digital Millennium Copyright Act ("DMCA")	Case No. **APPLICATION AND DECLARATION IN SUPPORT OF ISSUANCE OF SUBPOENA UNDER 17 U.S.C. § 512(h)**

APPLICATION AND DECLARATION IN SUPPORT OF

ISSUANCE OF SUBPOENA UNDER 17 U.S.C. § 512(h)

Pursuant to 17 U.S.C. § 512(h), I, Ronald D. Green, attorney for AMA Multimedia, LLC ("AMA"), hereby swear that the purpose for which AMA seeks the registered subpoenas is to obtain the identity of alleged copyright infringers, and that such information will only be used for the purpose of protecting AMA's intellectual property rights.

AMA is aware of precedent concerning the use of Digital Millennium Copyright Act ("DMCA") subpoenas to identify individuals from cable service providers in the Court of Appeals for the District of Columbia Circuit, *Recording Industry Ass'n of America v. Verizon Internet Servs., Inc.*, 351 F.3d 1229 (D.D.C. 2003), as well as the Eighth Circuit Court of Appeals. *In re Charter Comm'ns,* *Inc.*, 393 F.3d 771 (8th Cir. 2005). This matter of law, however, is unsettled within the Ninth Circuit.

It is the petitioner's position that the Ninth Circuit Court of Appeals would find contrary to these courts and would agree with the dissent in *In re Charter*, 393 F.3d at 778. A plain reading of the DMCA will reveal that "[t]he subpoena power created by Congress in § 512(h) does not limit the type of service provider for whom subpoenas may be issued in the fight against internet piracy . . . The only viable way for copyright owners to vindicate their intellectual property rights in a timely manner when infringing materials are transmitted across peer to peer networks is to subpoena the [internet service providers, a/k/a] ISPs for disclosure of the identities of alleged infringers." *Id*. at 779.

The *Charter* Court's dissent further noted that "[t]he suggestion that copyright holders should be left to file John Doe lawsuits to protect themselves from infringement by subscribers of conduit ISPs like Charter, instead of availaing themselves of the mechanism Congress provided in the dmca, is impractical and contrary to legislative intent." *Id*. at 782. Indeed, "[n]owhere in the DMCA did Congress indicate that copyright holders should be relegated to such cumbersome and expensive measures [as filing individual adversarial lawsuits] against conduit ISPs. The legislative history shows that the purpose of the subpoena power in the DMCA was to obtain the assistance of ISPs in an expeditious process to stop infringement." *Id*. Additionally, the information sought pursuant to this subpoena is not of anonymous file-sharers, but rather of registered users of the website <serviporno.com>.

On this basis, this Court may properly grant AMA subpoena power under 17 U.s.C. 512(h) in order to pursue the infringers of his copyrighted work.

Executed under penalty of perjury this 26th day of January, 2015.

Respectfully Submitted,

RANDAZZA LEGAL GROUP

/s/ Ronald D. Green

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Attorneys for Plaintiff,
AMA Multimedia, LLC

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

In re AMA Multimedia, LLC: Identification of John Does 1-256 Pursuant to the Digital Millennium Copyright Act ("DMCA")	Case No. **ATTACHMENT A TO SUBPOENA**

Items and information requested pursuant to this subpoena:

1. Any and all information in your possession pertaining to the identity(y/ies) of the individual(s) who uploaded the videos specified in Attachment B infringing AMA Multimedia, LLC's copyrighted works of <serviporno.com>, including but not limited to:
    a. The users' name(s)
    b. The users' last known address(es)
    c. The users' e-mail address(es)
    d. The users' phone number(s)

Dated: January 26, 2015

Respectfully Submitted,

RANDAZZA LEGAL GROUP

/s/ Ronald D. Green

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Attorneys for Plaintiff,
AMA Multimedia, LLC

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

In re AMA Multimedia, LLC: Identification of John Does 1-256 Pursuant to the Digital Millennium Copyright Act ("DMCA")	Case No. **ATTACHMENT B TO SUBPOENA**

The subpoena requests the information specified in Attachment A pertaining to users of <serviponor.com> who uploaded the following videos that infringe on AMA Multimedia, LLC's copyrights:

- http://www.serviporno.com/videos/corrine-blake-follada-despues-del-masaje/
- http://www.serviporno.com/videos/sexy-asiatica-gozando-de-una-gran-polla/
- http://www.serviporno.com/videos/un-pov-con-una-mini-latina/
- http://www.serviporno.com/videos/la-perfeccion-existe/

Dated: January 26, 2015

Respectfully Submitted,

RANDAZZA LEGAL GROUP

/s/ Ronald D. Green

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Privileged and Confidential Communication

December 23, 2014

Via Email Only
Larry@firstamendment.com

Lawrence G. Walters, Esq.
Walters Law Group
195 W. Pine Ave.
Longwood, FL 32750

Re: Infringing Material On Serviporno.com

Dear Larry:

I am writing on behalf of AMA Multimedia, LLC ("AMA") f/k/a SSC Group, LLC. On or about August 19, 2013, AMA settled its copyright claims against your clients Borjan Solutions S.L. d/b/a Serviporno.com, Borjan Mera Urrestarazu, and Monetia, S.L. d/b/a Cumlouder.com and Wamcash (collectively, "Respondents"). Those claims related to large amounts of AMA's copyrighted content appearing on the Serviporno.com website in a manner that suggested it was being uploaded from other tube sites by Respondents themselves and not by users of the Serviporno website. The settlement provided that Respondents would take steps to ensure that AMA's content was not placed unlawfully on Respondents' websites and that, if AMA's content did appear on Respondents' websites, it would be promptly taken down upon notification from AMA.

For about a year after the execution of the settlement, AMA's copyrighted content was largely absent from the Serviporno website. However, in October of 2013, AMA observed that its content had begun appearing on the site in the same manner that it had appeared in the past. Specifically, its full length videos and shorter promotional videos, which appear legally on other tube sites, are being uploaded to Serviporno from those tube sites. As it currently stands, AMA cannot determine whether these videos are being uploaded by Serviporno's users or by Respondents themselves. As such, we request that Serviporno provide us with all information regarding the user(s) who uploaded the movies located at the following URLs:

http://www.serviporno.com/videos/corrine-blake-follada-despues-del-masaje/
http://www.serviporno.com/videos/sexy-asiatica-gozando-de-una-gran-polla/
http://www.serviporno.com/videos/un-pov-con-una-mini-latina/
http://www.serviporno.com/videos/la-perfeccion-existe/

The first two links above are for short videos excerpted from AMA's longer, full-length videos. The latter two links contain AMA's entire full-length videos. Respondents are not authorized to display any of them on the Serviporno website. The original videos to which AMA owns copyrights can be found on the World Wide Web at:

http://fantasyhd.com/video/more-than-a-mouthful
http://puremature.com/video/precious-snatch
http://tiny4k.com/video/tiny-latina-teen
http://fantasyhd.com/video/heart-rate-hottie

The information AMA seeks regarding the users who uploaded these videos includes, but is not limited to: their user names, their IP addresses, their email addresses, identification of all other videos that these users have uploaded to the Serviporno website, their login histories, and any other identifying information about these users in Serviporno's possession. While AMA would like this information as quickly as possible, it additionally recognizes that the holidays are fast approaching. Therefore, pursuant to the provisions of the settlement agreement, please provide us with this information no later than 14 days of the date of this correspondence.

This notice is being provided in good faith and with reasonable certainty that AMA's copyrights are being infringed. We are authorized to act on behalf of AMA as its counsel and can attest that the information contained in this communication is true and accurate. We appreciate your time and attention to this matter and look forward to your response.

Best regards,

Ronald D. Green

RANDAZZA
LEGAL GROUP

Ronald D. Green
Partner
Licensed in NV

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COUNSEL/PARTIES OF RECORD

JAN 26 2015

CLERK US DISTRICT COURT
DISTRICT OF NEVADA
BY:______ DEPUTY

January 26, 2015

Clerk's Office, U.S. District Court
District of Nevada – Las Vegas Division
333 Las Vegas Boulevard South
Las Vegas, NV 89101

Re: DMCA Subpoena

Dear Clerk of Court:

Enclosed please find a request for the issuance of a subpoena by your court pursuant to the Digital Millennium Copyright Act, 17 U.S.C. § 512(h). As required by the statute, the following are enclosed:

1. The Application/Declaration for the DMCA subpoena to be issued;
2. A copy of the proposed subpoena to be signed by the appropriate court officer;
3. A copy of a DMCA notice sent to the subject of the subpoena, as required by the DMCA;

I recognize that DMCA subpoena file requests are rare. Should you have any questions or require any additional items, please feel free to contact me at 702-420-2001.

Sincerely,

Ronald D. Green

encl: Application/Declaration for DMCA subpoena
Proposed DMCA subpoena
Copy of DMCA takedown notice